

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 432 – SB 1278

March 24, 2017

SUMMARY OF ORIGINAL BILL: Creates three new class C felonies for reckless endangerment and an enhancement of one classification if the offense is deemed to be an act of “community terrorism”.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$1,531,800/Incarceration*

SUMMARY OF AMENDMENT (005730): Deletes and rewrites the proposed legislation to create an “act of community terrorism” for reckless endangerment offenses committed by discharging a firearm into a group of two or more people, from within a motor vehicle, or into a motor vehicle. The punishment for an act of community terrorism is revocation of the defendant’s driver license to begin following any period of confinement and a minimum \$5,000 fine.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Revenue –
\$800/FY23-24 and Subsequent Years/Department of Safety

Assumptions for the bill as amended:

- Reckless endangerment is conduct that places or may place another person in imminent danger of death or serious bodily injury.
- The proposed legislation requires a minimum fine of \$5,000 if the reckless endangerment is committed by discharging a firearm (1) into a group of two or more people, (2) from within a motor vehicle, or (3) into a motor vehicle.
- The fine is imposed in addition to any period of confinement imposed.
- Based on the Fiscal Review Committee’s 2008 study and the Administrative Office of the Courts’ 2012 study on collection of court costs, fees, and fines, collection in criminal cases is insignificant. There will not be a significant increase in revenue as a result of the mandatory minimum fines for these offenses.

- The proposed legislation requires the revocation of the defendant's driver license if the reckless endangerment is committed by discharging a firearm (1) into a group of two or more people, (2) from within a motor vehicle, or (3) into a motor vehicle.
- There is no reinstatement fee set for these revocations. It is assumed that the Department of Safety (DOS) will charge the \$65 reinstatement fee set forth in Tenn. Code Ann. § 55-12-129(b).
- It is assumed 13 defendants each year will be convicted of reckless endangerment that meets the circumstances under the proposed legislation, and, therefore, have their licenses revoked upon serving a period of confinement. The average time served for reckless endangerment involving a deadly weapon is 0.98 years. It is assumed that the first reinstatement fees collected by the DOS will occur in FY23-24.
- The proposed legislation will increase recurring state revenue by \$845 (\$65 x 13) beginning in FY23-24.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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